

December 6, 2010

Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Notice of Oral *Ex Parte* Communication
GN Docket No. 09-191, WC Docket No. 07-52

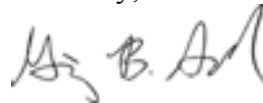
Dear Ms. Dortch:

On December 3, Markham Erickson of Holch & Erickson, representing the Open Internet Coalition and I met with John Giusti, Chief of Staff to Commissioner Michael Copps, and Margaret McCarthy, Policy Advisor, Wireline, for Commissioner Copps. This notice is submitted in compliance with Section 1.1206(b) of the Commission's Rules.

Mr. Erickson and I discussed our concerns about the Commission's recently circulated rules and order in the above referenced dockets. We urged that the Commission strengthen the rules and the order in three ways: 1) adopt the definition of broadband Internet access service proposed in the Commission's Notice of Proposed Rulemaking in the above dockets; 2) ensure that wireline and wireless Internet access is regulated similarly, with a possible technological or time-limited glide path to full non-discrimination; and 3) make clear that paid prioritization is presumptively unreasonable.

I also raised the issue of usage based pricing, and recommended that the Commission make clear in its order that such pricing can be discriminatory and therefore unlawful if those caps create artificial scarcity in a way that is anticompetitive and/or intended to discriminate against high bandwidth applications.

Sincerely,



Gigi B. Sohn
President

cc. John Giusti
Margaret McCarthy